

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA II** (CONSENT AGENDA: ITEM 17A ADDED;
REGULAR AGENDA: *** ITEM 19 CONTINUED TO
APRIL 5, 2004

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Tuesday, March 16, 2004

4:30 P.M.

MARKED AGENDA

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:33 P.M.**

Roll Call – **ALL PRESENT**

1. Presentation of proposed settlement of City of Scottsdale v. Ancala Global Company, L.C., et al., Superior Court Case No. CV1999-016269, seeking to condemn approximately 24 acres of land for the McDowell Sonoran Preserve and discussion of Resolution No. 6456 authorizing the City to enter into the proposed settlement. Contact(s): Joseph Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Robert Cafarella, 480-312-2577, rcafarella@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION for:

Discussion with representatives of the Public Body and discussion and consultation with City's attorneys for legal advice and to consider the City's position and instruct its representatives and attorneys regarding pending litigation and possible settlement of City of Scottsdale v. Ancala Global Company, L.C., et al., Superior Court Case No. CV1999-016269 to acquire approximately 24 acres of land for inclusion in the McDowell Sonoran Preserve. Contact(s): Joseph Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Robert Cafarella, 480-312-2577, rcafarella@scottsdaleaz.gov - **OK – 7/0**

Adjourn Special Meeting – **4:34 P.M.**

CITY COUNCIL EXECUTIVE SESSION

Following 4:30 P.M. City Council Special Meeting

Call to Order - City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:30 P.M.

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:03 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILMAN SILVERMAN**

Invocation – **REVEREND JACK SYLVESTER OF BROTHERHOOD OF MAN**

Presentations/Information Updates

PF Chang's Rock N Roll AZ Marathon Gold Record – **SCOTTSDALE'S CONVENTION AND VISITORS**
EXECUTIVE DIRECTOR RACHEL SACCO AND TIM MURPHY OF ELITE RACING
National Guard and Army Reserve Recognition to Rural/Metro – **BILL MACK**

Announcement

Earned Income Tax Credit – **MAYOR MANROSS**

Public Comment – **MARTIN RAMIREZ (DONALD CARR – TRANSLATOR) – INJUSTICE TO WORKERS OF JD STEELE AT WATER TREATMENT PLANT; BERNARD BLAUSTEIN – DECENCY AND FAIR PLAY IN ELECTION SIGNAGE; DERRICK JOHNSON – SPOKE IN SUPPORT OF THE JD STEELE WORKERS**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK – 7/0**

SPECIAL MEETINGS

Tuesday, February 17, 2004

REGULAR MEETINGS

Tuesday, February 17, 2004

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Jamaican Blue Coffee House & Café Liquor License – OK – C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series 7 (beer/wine bar) State liquor license for an existing coffee house/café that previously operated without a liquor license.

Location: 4017 N. Scottsdale Road, #104

Reference: 5-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

2. Ming's Gourmet Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing restaurant location. This establishment previously operated with a series 12 license under the business name China Legend.

Location: 10155 E. Via Linda, #H135

Reference: 6-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

3. Casa Mia Ristorante Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) State liquor license for an existing restaurant location that previously operated under the business name Ridge Café.

Location: 11675 N. 136th Street

Reference: 9-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

CONSENT AGENDA

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4. **Eckerd Drugs #5321 Liquor License – OK - C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new drugstore location.

Location: 32331 N. Scottsdale Road

Reference: 10-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

5. **Solstice at Sevano Final Plat – OK - C**

Request: Approve the Final Plat for 78 residential lots on a 22-acre parcel.

Location: Southeast corner of Ashler Hills Drive and Scottsdale Road

Reference: 18-PP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-4205, rgrant@scottsdaleaz.gov; Jayna Shewak, Project Coordination Manager, 480-312-7059, jshewak@scottsdaleaz.gov

6. **Abandon excess roadway along Cave Creek Road Adjacent to Mirabel Village 15 & 16 – OK - C**

Requests:

1. Abandon excess roadway easements along Cave Creek Road between the 96th Street and 100th Street alignments that are currently located in Tract E and Tract F of Mirabel villages 15 and 16.
2. Adopt Resolution No. 6454 vacating and abandoning a portion of right-of-way and roadway easement.

Location: South side of Cave Creek Road - between the 96th Street and 100th Street Alignments

Reference: 13-AB-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

7. **North Scottsdale Horseman's Park Roadway Abandonment – OK - C**

Requests:

1. Abandon the 33-foot wide General Land Office (GLO) patent roadway and public utility easements for parcel 217-14-001 and parcel 217-14-035.
2. Dedicate a 45-foot half street right-of-way for McDowell Mountain Ranch Road.
3. Dedicate a 45-foot half street right-of-way for 98th Street.
4. Dedicate a 15-foot wide public access easement along the Old Verde Canal at time of lot development.
5. Adopt Resolution No. 6455 vacating and abandoning a portion of right-of-way and roadway easement.

Location: 16039 N. 98th Street

Reference: 1-AB-2004

Staff Contacts: Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

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8. Renew Executive Search Contracts No. 2001-025-COS and No. 2001-026-COS - OK - C
Requests:

1. Authorize one-year extensions of executive search contracts: No. 2001-025-COS with The Oldani Group, Inc. and No. 2001-026-COS with Shannon Executive Search, a division of CPS Human Resource Services (formerly Shannon Associates), with no increase in fees or expenses from the original contract rates approved in 2001.
2. Affirm that the third and final one-year renewal (year beginning April 2, 2005) may be administratively authorized by staff with the City Manager's concurrence, consistent with the terms of the original contract.

Staff Contact(s): Neal Shearer, Human Resources General Manager, 480-312-2604, nshearer@scottsdaleaz.gov

9. Design of Two Arsenic Removal Water Treatment Facilities at Scottsdale Airport and at 7374 E. Pinnacle Peak Road – OK - C

Request: Authorize Engineering Services Contract No. 2004-017-COS with CH2M HILL in the amount of \$1,243,000 for the final design of two arsenic removal water treatment facilities.

Related Policies, References:

- a. Water Resources Master Plan, approved by City Council on October 15, 2001.
- b. Engineering Services Contract No. 2002-139-COS with Narasimhan Consulting Services for conceptual design of arsenic treatment facilities and associated pipelines, approved by City Council on November 18, 2002.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Joseph E. Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

10. Canvass of the March 9, 2004 General/Special Election and Ratification and Appointment of the 2004 Maricopa County Election Boards – OK - C

Requests:

- 1) Adopt Resolution No. 6462 ratifying and appointing the Maricopa County 2004 Election Boards.
- 2) Adopt Resolution No. 6463 as the official canvass of the General/Special Election held Tuesday, March 9, 2004.

Related Policies, References:

A.R.S. 9-825 requires the governing body to appoint election board members from the qualified electors of the municipality.

Arizona Revised Statutes 16-642.A requires the governing body to canvass election results.

A.R.S. 16-646 sets out the form and content of the official canvass.

Staff Contact: Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

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11. Intergovernmental Agreement (IGA) with the Department of Public Safety (DPS) for the Auto Theft Task Force – OK - C

Request: Adopt Resolution No. 6461 authorizing IGA #2004-025-COS between the City of Scottsdale Police Department and DPS to allow a City of Scottsdale Auto Theft Detective to participate in the statewide Auto Theft Task Force. DPS agrees to reimburse the City of Scottsdale for 75% of the assigned auto theft detective's salary and 100% of pre-authorized Auto Theft Task Force related overtime hours per month.

Related Policies, References: As noted in the IGA, this agreement is to enhance law enforcement services concerning vehicle theft through the cooperative efforts of the parties to the agreement. DPS is authorized to enter into the IGA pursuant to A.R.S. 41-1713B.3 and both parties are authorized to enter into the IGA pursuant to A.R.S. 11-952.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5000, arodbell@scottsdaleaz.gov; Craig Chrzanowski, Lieutenant, 480-312-5357, cchrzanowski@scottsdaleaz.gov; Tom Macari, Sergeant, 480-312-2671, tmacari@scottsdaleaz.gov

12. Scottsdale Housing Agency Plan for Fiscal Year 2004 – OK - C

Request: Adopt Resolution No. 6446, which approves the 2004 update to the Agency Plan for the operation of the Section 8 Rental Assistance Program (Housing Choice Voucher), with funding from the United States Department of Housing and Urban Development (HUD), and authorizes submittal of the Plan to HUD. The resolution also authorizes the implementation of the Homeownership Assistance Program; the acceptance of any Housing Vouchers offered to assist current tenants of properties opting out of federal assistance; and acceptance of up to 30 Fair Share Housing Vouchers if HUD offers them in the 2004/05 program year.

Related Policies, References: Resolution No. 5772, which approves the five-Year and Annual Agency Plan and submittal of the Plan to HUD.

Staff Contact(s): Debra Baird, Community Services Interim General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Mark Bethel, Community Assistance Manager, 480-312-2309, mbethel@scottsdaleaz.gov

13. Construction bid award for the Sunrise Trail in the McDowell Sonoran Preserve – OK - C

Request: Authorize Construction Bid Award No. 04PB031 to Northwest Woodland Services, Inc. (NWWS), the successful bidder, at their total unit price bid of \$123,500 for the construction of the 3.7 mile long Sunrise Trail in the southeast region of the McDowell Sonoran Preserve.

Related Policies, References: Preserve Access Areas Report; Scottsdale Trails Master Plan; Conceptual Preserve Trails Plan; Scottsdale Design Standards and Policies Manual for Non-Paved Trails

Staff Contact(s): Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov; Scott Hamilton, Trails Planner, Community Services Department, 480-312-7722, shamilton@scottsdaleaz.gov

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14. Settlement of City of Scottsdale v. Ancala Global Co., a Preserve Condemnation Case – OK - C

Request: Adopt Resolution No. 6456 and authorize the City Attorney to settle City of Scottsdale v. Ancala Global Company, a Preserve condemnation case, Superior Court Case number CV99-016269.
Related Policies, References: Resolution No. 5337, which authorized the condemnation of the 24 +/- acre parcel for the McDowell Sonoran Preserve.

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Robert J. Cafarella, Preservation Director, 480-312-2577, bcafarella@scottsdaleaz.gov

15. Contract for Legal Services in Connection with City of Scottsdale v. Ancala Global Company, L.C., et al. – OK - C

Request: Adopt Resolution No. 6457 authorizing the Mayor to execute Contract No. 2000-081A-COS, an outside counsel contract renewal in a maximum amount of \$40,000 with the law firm of Graham & Associates, Ltd. for legal services regarding the representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Ancala Global Company, L.C., et al., Superior Court Case No. CV99-16269, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6457

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

16. Contract for Legal Services in connection with City of Scottsdale v. Skyridge Estates, L.L.C., et al. – OK - C

Request: Adopt Resolution No. 6458 authorizing the Mayor to execute Contract No. 2000-083A-COS, an outside counsel contract renewal in a maximum amount of \$30,000 with Graham & Associates, Ltd. for legal services in connection with City of Scottsdale v. Skyridge Estates, L.L.C., et al., Superior Court Case No. CV99-13646 brought to acquire real property necessary for the McDowell Sonoran Preserve. The contract will enable the City to continue receiving expert legal services with respect to this matter.

Related Policies, References: Resolution No. 6458

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

17. Contract Authorization for Defensive Driving Class Providers - OK - C

Request: Authorize Professional Service Contract No. 2004-019-COS with the Arizona Chapter National Safety Council, and No. 2004-020-COS with the Arizona Defensive Driving School, to provide defensive driving classes to qualifying, cited individuals.

Related Policies, References: Arizona Revised Statute, 28-3392 allows an individual who is issued a citation for certain civil traffic moving violations or related local civil traffic ordinances to attend a defensive driving school. A person who attends a defensive driving school is not eligible to attend again for two years from the date of the violation.

Staff Contact(s): Janet Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov; Daniel W. Edwards, Deputy Court Administrator, 480-312-3092, dwedwards@scottsdaleaz.gov

*****17A. Development Agreement with the Arizona State Land Department and Toll Brothers to acquire property for the McDowell Sonoran Preserve and to Resolve Development Issues – OK w/CHANGES - C**

Request: Approve Development Agreement No. 2004-026-COS, between the City, the Arizona State Land Department and Edmunds-Toll Construction Company (hereinafter “Toll”), to resolve the development issues and various claims related to the City’s acquisition of approximately 383 acres of property for inclusion in the McDowell Sonoran Preserve, north of Bell Road and east of the Thompson Peak Parkway alignment.

Related Policies, References: MOU dated February 23, 2004, which set the terms for final negotiations of the Development Agreement

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

18. Modification to Engineering Services Contract for final design of the Pima Road Improvements, Loop 101 to Thompson Peak Parkway - OK – 7/0

Request: Authorize Modification to Engineering Services Contract No. 2003-114A-COS with Entellus, Inc. in the amount of \$948,560.85 for the Final Design of Pima Road Improvements (Pima Freeway to Thompson Peak Parkway), East Union Hills Interceptor Channel Project and the Pima Road Drainage System Project.

Related Policies, References:

- a. Scottsdale Foothills General Plan, 1984
- b. Bond 2000 CIP
- c. City of Scottsdale General Plan, 2002
- d. Adopted Streets Master Plan, 2003

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

*****19. Text Amendment/Environmentally Sensitive Lands Ordinance (ESLO) II – CONTINUED TO APRIL 5, 2004 – CONTINUED - OK – 7/0**

20. Public Hearing for Adjustment of Water, Water Resources and Sewer Development Fees - NO ACTION NECESSARY

Request: Conduct a Public Hearing and accept citizen comments on City's intention to adjust Water Development, Water Resources Development and Sewer Development Fees with a construction cost index increase of 1.7% effective July 5, 2004.

Staff Contact(s): David M. Mansfield, Water Resources General Manager 480-312-5681, dmansfield@scottsdaleaz.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items – COUNCILMAN ORTEGA – QUESTIONED IF THERE IS ANY ADMINISTRATIVE ISSUES TO BE RESOLVED REGARDING THE LOS ARCOS REDEVELOPMENT AGREEMENT THAT WAS REJECTED BY THE VOTERS ON MARCH 9, 2004.

Adjournment – 6:03 P.M.

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:30 P.M., or immediately following the 5:00 P.M. Meeting. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and

shall be considered a single meeting.” The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.